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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,	)	
	)	2:12-CR-083-APG-GWF
Plaintiff,	)	
	)	GOVERNMENT'S SENTENCING
v.	)	MEMORANDUM
	)	
HEATHER DALE,	)	
	)	
Defendant.	)	
	)	
	)	

The United States, by and through Daniel G. Bogden, United States Attorney, District of Nevada, and Kimberly M. Frayn, Assistant United States Attorney, hereby submits this Sentencing Memorandum.

The Government has no objections to the United States Probation Office's PSR. As to Count Two of the Information (Aggravated Identity Theft), the Government asks that the Court impose the statutorily required 24-month custodial term, which must be served consecutively to any other sentence imposed, including but not limited, to any sentence which may be imposed

1 in United States District Court, Southern District of Texas, Houston Division, case number  
2 4:13-CR-00129-2<sup>1</sup>. PSR ¶72. A 24-month term of imprisonment is consistent with the parties'  
3 plea agreement. Doc. No. 213 at p. 8.

4 The Government joins in the PSR's recommendation of a one year term of supervision  
5 for Count Two. The Government also joins with the Probation Department in recommending the  
6 Special Conditions set forth in the PSR at p. 33 – 34. However, the Government requests that the  
7 Court impose the condition of computer prohibition against access to any online computer  
8 service without prior written approval of the Probation Officer, in addition to the already  
9 recommended computer restriction and monitoring condition. The Government also requests that  
10 the Court impose the condition requiring the defendant to only use her true name and identifiers.

11 The Government respectfully requests that the Court order the defendant to pay  
12 restitution in the amount of \$50,575,123.45, as specified in Attachment A, attached hereto and  
13 incorporated by reference herein, which is consistent with the parties' plea agreement. Doc. No.  
14 213 at p. 8. The defendant's liability should be joint and several with her co-defendants in this  
15 case, and with her co-conspirators in case number 2:12-CR-004; 2:12-CR-084; and 2:13-CR-  
16 120. Further, the Government requests that the Court issue a final order of forfeiture, forfeiting  
17 all of the physical property set forth in the superseding Information and entering a criminal  
18 forfeiture money judgment of \$50,575,123.45, which is also consistent with the parties' plea

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24 <sup>1</sup> The Government acknowledges that this Court does not have the authority to order the sentence in this case to run  
consecutive to the sentence in the Houston case because that sentence has not yet been imposed. The government  
merely wishes to provide the Court and the defendant notice that defendant Dale is likely to receive an additional  
twenty-four month consecutive term when the Houston Court imposes its sentence, as is required by statute.

1 agreement. Doc. No. 213 at p. 9-31.

2 DATED this 6th day of June, 2014

Respectfully Submitted

3 DANIEL G. BOGDEN  
4 United States Attorney

5 /s/ Kimberly M. Frayn  
6 KIMBERLY M. FRAYN  
7 Assistant United States Attorney

8 Certificate of Service

9 The undersigned counsel hereby certified that she served a copy of this document on  
10 defense counsel, via electronic service through the PACER system on June 6, 2014.

11 /s/ Kimberly M. Frayn  
12 Assistant United States Attorney  
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# ATTACHMENT A

**U.S. v. HEATHER DALE  
2:12-cr-00083-APG-GWF  
Restitution List**

American Express	\$3,299,210.90
World Financial Center	
200 Vesey Street	
New York, NY 10285	
Discover Financial Service	\$1,903,143.50
c/o Michael Cassell	
PO Box 370685	
Las Vegas, NV 89137	
MasterCard	\$15,477,464.00
2000 Purchase Street	
Purchase, NY 10577	
Visa Inc.	\$29,895,305.05
900 Metro Center Blvd	
Foster City, CA 94404	
TOTAL:	\$50,575,123.45